

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

MAY 12 2005

FILED  
CLERK'S OFFICE

**DOCKET NO. 1456**

**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE  
LITIGATION**

**(SEE ATTACHED SCHEDULE)**

**CONDITIONAL TRANSFER ORDER (CTO-21)**

On April 30, 2002, the Panel transferred 16 civil actions to the United States District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 35 additional actions have been transferred to the District of Massachusetts. With the consent of that court, all such actions have been assigned to the Honorable Patti B. Saris.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the District of Massachusetts and assigned to Judge Saris.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of Massachusetts for the reasons stated in the order of April 30, 2002, 201 F.Supp.2d 1378 (J.P.M.L. 2002), and, with the consent of that court, assigned to the Honorable Patti B. Saris.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Massachusetts. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is  
pending at this time, the  
stay is lifted.

MAY 31 2005

CLERK'S OFFICE  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

FOR THE PANEL:

Michael J. Beck  
Michael J. Beck  
Clerk of the Panel

**SCHEDULE CTO-21 - TAG-ALONG ACTIONS  
DOCKET NO. 1456**

**IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE  
LITIGATION**

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
NEW YORK NORTHERN	
NYN 1 05-408	The County of Washington v. Abbott Laboratories, Inc., et al.
NYN 1 05-422	County of Rensselaer v. Abbott Laboratories, Inc., et al.
NYN 1 05-425	County of Albany v. Abbott Laboratories, Inc., et al.
NYN 1 05-468	County of Warren v. Abbott Laboratories, Inc., et al.
NYN 1 05-474	County of Greene v. Abbott Laboratories, Inc., et al.
NYN 1 05-478	County of Saratoga v. Abbott Laboratories, Inc., et al.
NYN 3 05-354	County of Chenango v. Abbott Laboratories, Inc., et al.
NYN 3 05-456	The County of Broome v. Abbott Laboratories, Inc., et al.
NYN 5 05-397	County of Tompkins v. Abbott Laboratories, Inc., et al.
NYN 5 05-423	County of Cayuga v. Abbott Laboratories, Inc., et al.
NYN 6 05-415	County of Herkimer, New York v. Abbott Laboratories, Inc., et al.
NYN 6 05-489	County of Oneida v. Abbott Laboratories, Inc., et al.
NYN 7 05-479	County of Saint Lawrence v. Abbott Laboratories, Inc., et al.
NEW YORK WESTERN	
NYW 1 05-214	County of Chautauqua v. Abbott of Laboratories, Inc., et al.
NYW 1 05-236	County of Allegany v. Abbott Laboratories, Inc., et al.
NYW 1 05-256	County of Cattaraugus v. Abbott Laboratories, Inc., et al.
<del>NYW 1 05-259</del>	<del>County of Erie v. Abbott Laboratories, Inc., et al.</del> Opposed 5/24/05
NYW 6 05-6138	County of Wayne v. Abbott Laboratories, et al.
NYW 6 05-6148	County of Monroe v. Abbott Laboratories, Inc., et al.
NYW 6 05-6172	County of Yates v. Abbott Laboratories, Inc., et al.

**U.S. District Court**  
**Northern District of New York [LIVE - Version 2.4] (Albany)**  
**CIVIL DOCKET FOR CASE #: 1:05-cv-00478-TJM-RFT**

County of Saratoga v. Abbott Laboratories, Inc. et al  
Assigned to: Judge Thomas J. McAvoy  
Referred to: Magistrate Judge Randolph F. Treece  
Cause: 42:1396 - Tort Negligence

Date Filed: 04/19/2005  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**County of Saratoga**

represented by **Aaron D. Hovan**

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**LEAD ATTORNEY**  
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V.

**Defendant**

**Abbott Laboratories, Inc.**

**Defendant**

**Alcon Laboratories, Inc.**

**Defendant**

**Allergan, Inc.**

**Defendant**

**Alpharma, Inc.**

**Defendant**

**Purepac Pharmaceutical Co.**

**Defendant**

**Amgen, Inc.**

**Defendant**

**Immunex Corp.**

**Defendant**

**Andrx Corp.**

**Defendant**

**Astrazeneca Pharmaceuticals L.P.**

**Defendant**

**Aventis Pharmaceuticals Inc.**

**Defendant**

**Dermik Laboratories, Inc.**

**Defendant**

**Barr Laboratories, Inc.**

**Defendant**

**Bayer Corporation**

**Defendant**

**Berlex Laboratories, Inc.**

**Defendant**

**Biogen Idec, Inc.**

**Defendant**

**Biovail Pharmaceuticals, Inc.**

**Defendant**

**Bristol-Myers Squibb Company**

**Defendant**

**Oncology Therapeutics Network  
Corp.**

**Defendant**

**Ben Venue Laboratories, Inc.**

**Defendant**

**Boehringer Ingelheim Corp.**

**Defendant**

**Boehringer Ingelheim  
Pharmaceuticals, Inc.**

**Defendant**

**Roxane Laboratories, Inc.**

**Defendant**

**Dey, Inc.**

**Defendant**

**Eisai, Inc.**

**Defendant**

**Eli Lilly and Company**

**Defendant**

**Endo Pharmaceuticals, Inc.**

**Defendant**

**Ethex Corp.**

**Defendant**

**Forest Laboratories, Inc.**

**Defendant**

**Forest Pharmaceuticals, Inc.**

**Defendant**

**Fujisawa Healthcare, Inc.**

**Defendant**

**Fujisawa USA, Inc.**

**Defendant**

**Genentech, Inc.**

**Defendant**

**Genzyme Corp.**

**Defendant**

**Gilead Sciences, Inc.**

**Defendant**

**Glaxosmithkline, P.L.C.**

**Defendant**

**SmithKline Beecham Corporation**

*doing business as*

**Glaxosmithkline**

**Defendant**

**Hoffman-La Roche, Inc.**

**Defendant**

**Roche Laboratories, Inc.**

**Defendant**

**Ivax Corp.**

**Defendant**

**Ivax Pharmaceuticals, Inc.**

**Defendant**

**Janssen Pharmaceutica Products, LP**

**Defendant**

**Johnson & Johnson**

**Defendant**

**McNeil-PPC, Inc.**

**Defendant**

**Ortho Biotech Products LP**

**Defendant**

**Ortho-McNeil Pharmaceutical, Inc.**

**Defendant**

**King Pharmaceuticals, Inc.**

**Defendant**

**Monarch Pharmaceuticals, Inc.**

**Defendant**

**MedImmune, Inc.**

**Defendant**

**Merck & Co., Inc.**

**Defendant**

**Mylan Laboratories, Inc.**

**Defendant**

**Mylan Pharmaceuticals, Inc.**

**Defendant**

**UDL Laboratories, Inc.**

**Defendant**

**Novo Nordisk Pharmaceuticals, Inc.**

**Defendant**

**Novartis Pharmaceuticals Corp.**

**Defendant**

**Sandoz, Inc.**

**Defendant**

**Organon Pharmaceuticals USA, Inc.**

**Defendant**

**Par Pharmaceutical, Inc.**

**Defendant**

**Agouron Pharmaceuticals, Inc.**

**Defendant**

**Greenstone, Ltd.**

**Defendant**

**Pfizer, Inc.**

**Defendant**

**Pharmacia Corporation**

**Defendant**

**Purdue Pharma, L.P.**

**Defendant**

**Reliant Pharmaceuticals**

**Defendant**

**Sanofi-Synthelabo, Inc.**

**Defendant**

**Schering-Plough Corp.**

**Defendant**

**Schering Corporation**

**Defendant**

**Warrick Pharmaceuticals Corp.**

**Defendant**

**Serono, Inc.**

**Defendant**

**Takeda Pharmaceuticals North America, Inc.**

**Defendant**

**Tap Pharmaceutical Products, Inc.**

**Defendant**

**Teva Pharmaceutical USA, Inc.**

**Defendant**

**UCB Pharma, Inc.**

**Defendant**

**Watson Pharma, Inc.**

**Defendant**

**Watson Pharmaceuticals, Inc.**

**Defendant**

**Wyeth**

Date Filed	#	Docket Text
04/19/2005	<u>1</u>	COMPLAINT against all defendants ( Filing fee \$ 250 receipt number ALB000719) filed by County of Saratoga. (Attachments: # <u>1</u> Exhibit(s) A# <u>2</u> Exhibit(s) B# <u>3</u> Exhibit(s) C# <u>4</u> Exhibit(s) D# <u>5</u> Exhibit(s) E)(tab) (Entered: 04/20/2005)
04/19/2005		Summons Issued as to Immunex Corp., Andrx Corp., Astrazeneca Pharmaceuticals L.P., Aventis Pharmaceuticals Inc., Dermik Laboratories, Inc., Barr Laboratories, Inc., Bayer Corporation, Berlex Laboratories, Inc., Biogen Idec, Inc., Biovail Pharmaceuticals, Inc., Bristol-Myers Squibb Company, Oncology Therapeutics Network Corp., Ben Venue Laboratories, Inc., Boehringer Ingelheim Corp., Boehringer Ingelheim Pharmaceuticals, Inc., Roxane Laboratories, Inc., Dey, Inc., Eisai, Inc., Eli Lilly and Company, Endo Pharmaceuticals, Inc., Ethex Corp., Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Genentech, Inc., Genzyme Corp., Gilead Sciences, Inc., Glaxosmithkline, P.L.C., SmithKline Beecham Corporation, Hoffman-La Roche, Inc., Roche Laboratories, Inc., Ivax Corp., Ivax Pharmaceuticals, Inc., Janssen Pharmaceutica Products, LP, Johnson & Johnson, McNeil-PPC, Inc., Ortho Biotech Products LP, Ortho-McNeil Pharmaceutical, Inc., Abbott Laboratories, Inc., King Pharmaceuticals, Inc., Monarch Pharmaceuticals, Inc., Medimmune, Inc., Merck & Co., Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., UDL Laboratories, Inc., Novo Nordisk Pharmaceuticals, Inc., Novartis Pharmaceuticals Corp., Sandoz, Inc., Alcon Laboratories, Inc., Organon Pharmaceuticals USA, Inc., Par Pharmaceutical, Inc., Agouron Pharmaceuticals, Inc., Greenstone, Ltd., Pfizer, Inc., Pharmacia Corporation, Purdue Pharma, L.P., Reliant Pharmaceuticals, Sanofi-Synthelabo, Inc., Schering-Plough Corp., Allergan, Inc., Schering Corporation, Warrick Pharmaceuticals Corp., Serono, Inc., Takeda Pharmaceuticals North America, Inc., Tap Pharmaceutical Products, Inc., Teva Pharmaceutical USA, Inc., UCB Pharma, Inc., Watson Pharma, Inc., Watson Pharmaceuticals, Inc., Wyeth, Alpharma, Inc., Purepac Pharmaceutical Co., Amgen, Inc.. (tab, ) (Entered: 04/20/2005)
04/19/2005	<u>2</u>	G.O. 25 FILING ORDER ISSUED Initial Conference set for 8/24/2005 10:00 AM in Albany before Magistrate Judge Randolph F. Treece. Civil Case Management Plan due by 8/15/2005. (tab) (Entered: 04/20/2005)
05/13/2005	<u>3</u>	Letter from Aaron Hovan, outside counsel for County of Saratoga requesting Adjournment of Deadlines. (Hovan, Aaron) (Entered: 05/13/2005)
05/16/2005	<u>4</u>	ORDER: Plaintiff's attorney advises the Court that this case, among others, may be subject to Multidistrict Litigation with the District of Massachusetts. Dkt. No. <u>3</u> Letter Request filed by County of Albany. Inasmuch as this case will be transferred to the District of Massachusetts, this Court adjourns the scheduled Rule 16 conference without date, and

		awaits an order from the Clerk of the Court for the District of Massachusetts officially transferring this case from this District Court to the District of Massachusetts. SO ORDERED. Signed by Judge Randolph F. Treece on 5/16/05. (Treece, Randolph) (Entered: 05/16/2005)
05/16/2005	<u>5</u>	NOTICE of filing of the CONDITIONAL TRANSFER ORDER to MDL (CTO-21) filed in the clerk's office of the Judicial Panel on mUltidistrict Litigation on May 12, 2005. (15 day objection time is still in effect) (tab) (Entered: 05/17/2005)
05/19/2005	<u>6</u>	NOTICE from Judicial Panel on MDL advising of a Conditional transfer Order; This case is stayed until further notice (kcl, ) (Entered: 05/19/2005)

## PACER Service Center

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